

**TOWNSHIP OF LOWER NAZARETH  
NORTHAMPTON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 228-09-18**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER NAZARETH, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING THE LOWER NAZARETH TOWNSHIP ZONING ORDINANCE, SECTION 201 (TERMS DEFINED) TO ADD AND REVISE CERTAIN DEFINITIONS RELATING TO SHORT-TERM RENTALS OF RESIDENTIAL PROPERTY; REGULATING THE ZONING DISTRICTS WITHIN WHICH SHORT-TERM RENTALS OF RESIDENTIAL PROPERTY ARE PERMITTED; SETTING FORTH REQUIREMENTS FOR SHORT-TERM RENTALS OF RESIDENTIAL PROPERTY AND THE CONDITIONS OF ISSUANCE OF PERMITS THEREFOR.**

WHEREAS, the Lower Nazareth Township Board of Supervisors adopted the Zoning Ordinance of Lower Nazareth Township on July 19, 2012, as amended, and;

WHEREAS, the Lower Nazareth Township Board of Supervisors desires to preserve and enhance the residential character of the zoning districts described in the Lower Nazareth Township Zoning Ordinance as well as the sense of security and safety in stable neighborhoods of owner-occupied residences; and

WHEREAS, the Board of Supervisors of Lower Nazareth Township further desires to restrict transient use of residential property for remuneration which may be inharmonious with and injurious to the preservation of the character and environment of the various residential zoning districts in the Township; and

WHEREAS, the use of single and multiple family dwelling units, duplexes, guesthouses, caretaker units, apartments, recreational vehicles and other structures normally occupied for residential purposes, for short-term rental, and/or for bed and breakfast, hostel, hotel, inn, lodging, resort, or other transient lodging purposes has impacts on residential areas which must be addressed through existing Township use permit processes; allowing transient use of residential property will provide an administrative procedure to legalize existing visitor serving opportunities and increase and enhance public access to areas of the Township and other visitor destinations; if not properly regulated, such use of residential property may create adverse impacts on surrounding residential uses including, but not limited to, increased levels of commercial and residential vehicle traffic, parking demand, light and glare, and noise detrimental to

surrounding residential uses and the general welfare of the Township, moreover, such use may increase demand for public services, including, but not limited to, police, fire, and medical emergency services; requiring zoning permits for such use of residential property enables the Township to address any adverse impacts of such use, is consistent with and declaratory of existing regulations under the Zoning Ordinance, as amended, and necessary to maintain the integrity of the various zoning districts; this amendment does not apply to properly permitted bed and breakfast, hostel, hotel, inn or resort establishments; and this amendment to the Zoning Ordinance is necessary to protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED and enacted by the Board of Supervisors of Lower Nazareth Township, Northampton County, Pennsylvania, amending the Lower Nazareth Township Zoning Ordinance as follows:

**SECTION 1. DEFINITIONS**

A. Article II, Section 202, Terms Defined, of the Lower Nazareth Township Zoning Ordinance is hereby amended to add the following definitions:

**PERSON** – Any individual, partnership, firm, business or similar entity, public or private agency, municipality, city, State or Federal agency.

**REMUNERATION** – Compensation, money, rent, or other bargained for consideration given in return for occupancy, possession, or use of a residential property.

**RESIDENTIAL PROPERTY OR HOUSING UNIT** – Any single- or multiple-family dwelling units, duplexes, guesthouses, caretaker units, apartment, recreational vehicle or other dwelling unit or structure located on one or more contiguous lots of record in any of the zoning districts which allow residential uses.

**SHORT-TERM RENTAL** – Any dwelling unit utilized as a single-family residence rented for the purpose of overnight lodging for a period of thirty (30) days or fewer.

**SHORT-TERM RENTAL PERMIT** – Permission granted by Lower Nazareth Township to utilize a dwelling unit for short-term rental use.

**TRANSIENT** – Except as provided herein, a period of time less than thirty (30) consecutive days.

**TRANSIENT USE OF A RESIDENTIAL PROPERTY** – The use, by any person, of residential property or housing unit for a bed and breakfast, hostel, hotel, inn, lodging, motel, resort, recreational vehicle or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is, except as provided herein, less than thirty (30) days.

**SECTION 2. AG AGRICULTURAL DISTRICT**

A. Article IV, AG Agricultural District, Section 402, Permitted By Right Uses is hereby amended by adding the following use:

DD. Short-Term Rental\*

**SECTION 3. LDR LOW DENSITY RESIDENTIAL DISTRICT**

A. Article V, LDR Low Density Residential District, Section 502(A), Permitted by Right Uses is hereby amended by adding the following use:

8. Short-Term Rental\*

**SECTION 4. MLDR MEDIUM LOW DENSITY RESIDENTIAL DISTRICT**

A. Article VI, MLDR Medium Low Density Residential District, Section 602(A) is hereby amended by adding the following use:

10. Short-Term Rental\*

**SECTION 5. MDR MEDIUM DENSITY RESIDENTIAL DISTRICT**

A. Article VII, MDR Medium Density Residential District, Section 702(A) is hereby amended by adding the following use:

11. Short-Term Rental\*

**SECTION 6. ADDITIONAL REQUIREMENTS FOR SHORT-TERM RENTAL USE**

A. Article XV, Additional Requirements for Specific Uses, Section 1502 is hereby amended by adding the following:

71. Short-Term Rental

**A. Short-Term Rental Permit Required**

1. No owner of any property in Lower Nazareth Township shall operate a short-term rental without first obtaining a short-term rental permit from the Zoning Officer. Operation of a short-term rental without such permit is a violation of this Ordinance.

**B. Short-Term Rental Permit Application Requirements; Issuance; Terms and Conditions**

1. Short-Term Rental Permit Applications shall contain all of the following information:
  - a. The name, address, telephone number and e-mail address of the owner. If the owner does not have a managing agency, agent or local contact person, then the owner shall provide a twenty-four-hour telephone number. If the owner uses a managing agency, agent or local contact person, then that managing agency, agent or local contact person shall have written authorization to accept service for the owner.
  - b. The name, address and twenty-four-hour telephone number of the managing agency, agent or local contact person.
  - c. Floor plans for the short-term rental unit, including total habitable floor space and total number of bedrooms.
  - d. If the building is a multi-unit structure, the total number of dwelling units in the structure and the number of dwelling units being used as short-term rentals.
  - e. A site plan showing the location and number of on-site parking spaces.
  - f. If not on a central sewer system, the location, approximate age and capacity of the sewage disposal system. The owner of the property shall

supply the Township with a certified evaluation of the septic system and proof that the tank was pumped for approval by the Sewage Enforcement Officer.

- g. Copies of the current Northampton County hotel room excise tax certificate and current Pennsylvania sales and use tax permit.
- h. Signatures of both the owner and the local managing agent or local contact person.
- i. Trespass waiver signed by the owner allowing access to the property for the Enforcement Officer for the purpose of inspection to verify compliance with this Ordinance.
- j. Copy of the current recorded deed for the property establishing ownership.
- k. The use of a residential unit for a transient use shall not violate any applicable conditions, covenants, or other restrictions on real property. The applicant shall provide written notice to the HOA if the subject property is within a subdivision governed by restrictive covenants which the HOA has the power to enforce and submit proof of such notice to the Zoning Officer. In the event the HOA objects to the issuance of the permit, the permit shall not be approved until the HOA objection has been withdrawn or the right of the applicant to use the subject residential property for transient use has been validated, approved or otherwise ordered by a court, arbitrator, or other appropriate entity with the authority to review, approve, validate, or otherwise act on the proposed use of the action of the homeowners' association. If the HOA fails to notify the Zoning Officer, in writing, of any objection(s) within thirty (30) days of the association's receipt of the applicant's notice, the Zoning Officer may assume there are no objections and issue the permit.

2. A short-term rental permit shall be issued only to the owner of the short-term rental property.
3. A separate short-term rental permit is required for each dwelling unit; for two-family or multi-family dwellings; a separate permit shall be required for each dwelling unit being rented as a short-term rental. The short-term rental permit does not extend to any accessory buildings on the property.
4. A short-term rental permit is effective for a period of one year, or until any of the conditions of the short-term rental which are governed by this Ordinance are changed, whichever shall occur first. A short-term rental permit must be renewed annually and also when any of the conditions of the short-term rental which are governed by this Ordinance are changed.
5. The Township will prescribe forms and procedures for the processing of permit applications under this Ordinance.

**C. Standards for Operation**

1. Overnight occupancy of a short-term rental shall be limited to not more than two (2) persons per bedroom.
2. The number of bedrooms permitted for a short-term rental shall not exceed the number of bedrooms approved for the dwelling unit on the sewage permit issued for such property. Where there is no sewage permit on record, the short-term rental shall be limited to three (3) bedrooms unless proof is provided to the Sewage Enforcement Officer that the septic system is adequate to handle additional flows. Any short-term rental advertising more than five (5) bedrooms shall provide proof that the septic system is adequate to handle such flows by having the system approved by the Sewage Enforcement Officer, or by providing a septic permit previously issued by a Sewage Enforcement Officer. If a sewage system malfunction occurs, short-term rental of the dwelling unit shall be discontinued until the malfunction is corrected in accordance with

Township and Pennsylvania Department of Environmental Protection requirements.

3. Outdoor parking for overnight and day guests shall be limited to available parking areas on the short-term rental property. In no event shall parking for short-term rental guests include spaces in any public street right-of-way or on any lawns or vegetated areas.
4. Neither short-term rental occupants nor guests shall engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person by loud, unusual or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.
5. The owner shall use best efforts to assure that the occupants or guests of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of the Lower Nazareth Township Ordinances or any State law pertaining to noise or disorderly conduct including, but not limited to, notifying the occupants of the rules regarding short-term rentals and responding when notified that occupants are violating laws, Ordinances, or regulations regarding their occupancy.
6. The owner shall, upon notification that occupants or guests of the short-term rental have created unreasonable noise or disturbances, engaged in disorderly conduct or otherwise violated provisions of Lower Nazareth Township Ordinances or State law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.
7. Overnight occupancy of recreational vehicles, camper trailers and tents at the property where the short-term rental is located shall not be allowed. Outdoor overnight sleeping of occupants or guests of the short-term rental is prohibited.

8. All short-term rentals shall have a clearly visible and legible notice posted within the dwelling unit on or adjacent to the front door containing the following information:
  - a. The name of the owner of the unit or the managing agency, agent, property manager, or local contact authorized in writing to accept service for the owner of the unit and a telephone number at which that party can be reached on a twenty-four-hour basis.
  - b. The 911 address of the property.
  - c. The maximum number of occupants permitted to stay in the dwelling unit and the maximum number of day guests permitted at any one time.
  - d. The maximum number of vehicles allowed to be on the property and the requirement that all guest parking must be parked in the available parking areas on the property and not in or along any private, community or public street right-of-way or on any lawn or vegetated area on the property.
  - e. The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property.
  - f. Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of Lower Nazareth Township Ordinances, including parking and occupancy limits.
  - g. Notification that short-term rental occupants and guests are required to make the dwelling unit available for inspection by the Zoning Officer upon request.
9. All short-term rentals shall be equipped with the following:

- a. Smoke detectors in each bedroom;
  - b. Smoke detectors outside each bedroom in common hallways;
  - c. Smoke detectors on each floor;
  - d. GFI outlets for outlets located within six (6') feet of a water source;
  - e. Aluminum or metal exhaust from dryer;
  - f. Carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or wood-burning stove;
  - g. Carbon monoxide detector if garage is attached;
  - h. Fire extinguisher in kitchen;
  - i. Stairs (indoor and outdoor) in good condition; and
  - j. Any other occupancy requirements which may be added by Ordinance revisions by the Board of Supervisors.
10. Compliance with the requirements of this Ordinance shall be considered conditions of approval, the violation of which may result in a revocation of any zoning permit by the Zoning Officer.

#### **SECTION 7. SEVERABILITY**

It is hereby declared to be the intention of the Board of Supervisors of the Township of Lower Nazareth that the parts, sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any part, section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses or phrases of this Ordinance.

**SECTION 8. REPEALER**

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**SECTION 9. EFFECTIVE DATE**

This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Lower Nazareth Township.

**ENACTED AND ORDAINED** this 12 day of SEPTEMBER, 2018, at a regular public meeting.

TOWNSHIP OF LOWER NAZARETH

BY: James A. Pennington  
JAMES PENNINGTON, Chairman

ATTEST:

Tammi Dravec  
TAMMI DRAVECZ, Secretary